



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith G. Weinstock and David Bush

Application No.: 09/417,507      Group Art Unit: 1645      Conf. No.: 7532

Filed: October 14, 1999      Examiner: Navarro, Albert Mark

For: Nucleic Acid and Amino Acid Sequences Relating to *Aspergillus fumigatus*  
for Diagnostics and Therapeutics

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on <u>4/5/2005</u>	<u>Jennifer Menard</u>
Date	Signature
Jennifer Menard	
Typed or printed name of person signing certificate	

REPLY TO SECOND RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Second Restriction Requirement dated October 5, 2004, the claims of Group I (Claims 1-13) drawn to DNA are elected for prosecution. Applicant further elects nucleotide SEQ ID NO: 20623 which encodes polypeptide SEQ ID NO: 42779. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the invention of Group II (Claims 14-16), Group III (Claims 17-20), Group IV (Claims 21-23), Group V (Claim 24), Group VI (Claim 25), Group VII (Claim 26), Group VIII (Claim 27), and Group IX (Claim 28) as well as remaining SEQ ID NOS of Group I. Applicants do not hereby abandon or waive any rights in Groups II, III, IV, V, VI, VII, VIII and IX invention. Any fees credits or deficiencies may be charged to Deposit Account No. 50-1040.

If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (781) 398-2548.

Respectfully submitted,  
OSCIENT PHARMACEUTICALS CORPORATION

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